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DIRECTORY OF INTERIM SUBCOMMITTEES

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MONTANA LEGISLATIVE COUNCIL
Room 138, Capitol Building
Helena, Montana 59601

1990-1991

1991

PREFACE

This directory provides information on interim subcommittees -- studies directed by resolution and consideration of holdover bills from the 1973 session. Also included is a short explanation of the responsibilities of the Legislative Council, Council staff, and the Committee on Priorities.

Because additional studies may be added and assigned to an interim subcommittee, it was necessary to distribute this directory with several other studies still in the approval process.

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MONTANA LEGISLATIVE COUNCIL

The Montana Legislative Council was originally created in 1957. It was established as a permanent agency of the legislative branch of state government designed to study selected problems confronting the legislature in the interim between biennial sessions and to perform other services which facilitate the legislative process.

In 1973, with the advent of a constitutionally imposed mandate that "the legislature shall meet at least once a year in regular session of not more than sixty (60) legislative days,"¹ the Council was completely restructured. Annual sessions, in practice, increased the Council staff work load and decreased the responsibility of the Council. The standing committees or their subcommittees were permitted to function during the interim period between annual sessions. More committees and a shorter time between sessions required more legislative staff. At the same time, the responsibility of the Council, itself, for performing interim studies was naturally assumed by the standing committees.

SB 451 (Chapter 431, Session Laws of 1973) provided the transition from the old Legislative Council to the new one. For discussion purposes the bill can be divided into three areas.

The first area deals with the powers and duties of the Council. The second area establishes the divisions within the Council staff. The third area provides the authority and procedures for legislative committee operation when the legislature is not in session.

The Council

SB 451 charges the Legislative Council with largely administrative duties relative to the Council staff. These are, of course, the same duties the former Council had performed. However, the new Council has eight members instead of twelve. Four members are chosen from the House and four members are chosen from the Senate. The membership is still bipartisan and the term of office is for a biennium. Each new Council must be selected before the fiftieth day of the first regular session of the bienniu

The only substantive, non-administrative function left with the new Council is in the form of a safety valve provision. The Council is authorized, in the event a question of pressing importance arises during the interim, to assign determination of the question to an existing joint interim subcommittee.

¹Article V, Section 6, Constitution of Montana, 1972

The Council is specifically denied the authority to approve or disapprove of substantive portions or recommendations of any interim committee. Previously, the Council was responsible for approving all interim studies and recommendations.

Council Staff

The new Council staff is broken into four functional divisions: Legislative Services Division, Research and Reference Services Division, Legal Services Division, and Management and Business Services Division.

The Legislative Services Division is responsible for secretarial preparation of introduced bills, for engrossing and enrolling of bills, and for printing and mailing of the bills. This division functions primarily during the time when the legislature is in session. This division uses the most advanced computerized bill drafting system available and is thereby capable of operating with a high degree of effectiveness and accuracy with a relatively small staff of typists and proof-readers.

The Research and Reference Services Division is responsible for providing the basic research service common to most Council staffs. Each committee operating during the session or during an interim is served by a staff member from this division.

The Legal Services Division is responsible for bill drafting and providing legal assistance to each of the committees. One of the characteristics of the post 1972-constitution legislature is that bills may carry with the same status from one annual session of the biennium to the other. The interim work of subcommittees, then, is largely devoted to consideration of deferred bills. The requirement for legal services under annual sessions has therefore increased markedly because the subcommittees are actually working with the language of introduced bills. The Legal Services Division provides an attorney for each committee. This division also provides counsel for individual legislators relative to any legal problem that arises during a session or interim.

The Management and Business Services Division maintains all bookkeeping records, signs all legislative claims and payrolls, requisitions, all printing, supplies and equipment and serves the House and Senate during a session.

Legislative Interim Operations

SB 451 (Sections 43-716 through 43-719, R.C.M. 1947) provides the parameters within which the legislature must act during an interim. Section 43-717 is the key from among these sections. It constitutes the Joint Rules Committee of the House and Senate as a "Committee on Priorities." This committee considers all resolutions requesting studies and all deferred bills

and selects those to be given interim consideration. No committee may act on any study or measure in the interim unless the same was assigned to it by the Priorities Committee. In addition to establishing priorities on bills and resolutions, the Priorities Committee also sets the number of meetings each interim committee may hold.

There are three types of committees which function during an interim: full standing committees, joint interim subcommittees, and select committees. The joint interim subcommittees are appointed from the regular standing committee. Four members, two from each party, are appointed by the chairman of each standing committee to serve with four selected from the respective committee of the other house. These subcommittees do the major interim work. Each subcommittee must report its findings and recommendations to a joint meeting of the full standing committees from which the subcommittee was selected immediately prior to that session. The action of the subcommittee may then be reported to the floor in the next succeeding session as a full committee report.

A "select committee" is formed during a session to examine a particular issue or bill. This committee is responsible to the house from which it was selected. It operates in a fashion similar to the joint subcommittees except that it may operate during a session. A select committee, in contrast to a joint subcommittee, reports back to the entire body rather than a standing committee.

The full standing committees are also authorized to function during the interim. However, due to the expense involved in holding meetings, these committees meet only once before the second regular session to consider its subcommittee's recommendations.

Legislative Council Members :

Sen. Carroll Graham, Chairman	Rep. Henry Cox, Vice Chairman
Sen. Frank Hazelbaker	Rep. Francis Bardanoueve
Sen. Neil Lynch	Rep. Harold Gerke
Sen. Jim Moore	Rep. Robert L. Marks

Legislative Council Staff:

Rose E. Weber, Executive Director
Pamela Frey, Administrative Assistant
Dick Hargesheimer, Legislative Researcher
Karen Hedblom, Legislative Researcher
Michael Morris, Legislative Researcher
Robert Person, Legislative Researcher
Alan Taylor, Legislative Researcher

Mike Meloy, Director of Legal Services Division
Margaret Borg, Staff Attorney
Rosemary Zion, Staff Attorney
Roberta Moody, Supervisor, ALTER System

Subcommittee on
Constitution, Elections and Federal Relations

Resolutions under Study: HJR 14, HR 16, SJR 1
Bills under Study: HB 478, HB 479

HJR 14 requests a study of election laws pertaining to cities and towns to determine whether legislation establishing uniform procedures for city and town elections is feasible and desirable and if it is necessary to draft legislation toward this end.

HR 16 requests a comprehensive study of election laws aimed at the development of legislation which would regulate campaigning for all public offices. Such regulation would cover filing procedures and fees, financial disclosures and limitations, disclosures by individuals and groups, funding sources and influencing of a candidate and enforcement. The committee is to present draft legislation providing for comprehensive campaign regulation.

SJR 1 requests the Legislative Council to conduct a study to determine the substantive effect and the extent of the rights created in Article II, Sections 8 and 9 of the 1972 Montana Constitution relating to the "right of participation" and the "right to know."

The Council is further requested to prepare appropriate legislation necessary to implement these fundamental citizens' rights and to repeal existing laws which are in conflict with these rights.

HB 478 provides that all political committees must file an organizational statement with the Secretary of State before they may solicit, receive, or expend any funds.

HB 479 provides that the social security number of an elector shall be the voting registry number of that elector after registration for the 1974 general election is closed.

Subcommittee Members:

Sen. John K. McDonald, Chairman	Rep. Mike Greely
Sen. Antoinette Rosell, Vice Chairman	Rep. Tom Haines
Sen. Harry T. Northey	Rep. Hal Harper
Sen. A. A. Zody	Rep. Al Kosena

Staff Contact:

Robert B. Person (HJR 14, HR 16, HB 478 and HB 479)
Mike Meloy (SJR 1)

Subcommittee on
Education

Resolutions under Study: SJR 31
Bills under Study: HB 386

SJR 31 -- financing and administration of public libraries -- is a joint resolution of the Senate and House of Representatives requesting a study of the administration and finance of Montana libraries. The purpose of the study will be to determine to what extent and by what method the state should assume additional financial responsibility for the support of public libraries in Montana considering the loss of federal categorical aids previously used to assist local public libraries.

HB 386 -- special education for the handicapped -- is a bill introduced during the first session of the 43rd Legislative Assembly that would have expanded the definition of handicapped children and to require mandatory special education services within the public school system.

A study has been requested in order to determine the need for stricter accountability of special education funds that school districts receive through the State Foundation Program and district permissive levies, and also to examine alternative methods for funding special education programs.

Subcommittee Members:

Sen. P. J. Gilfeather, Chairman	Rep. Bill Warfield, Vice Chairman
Sen. Paul F. Boylan	Rep. Fred O. Barrett
Sen. J. W. Breeden	Rep. Jack Gunderson
Sen. William L. Mathers	Rep. Gail Stoltz

Staff Contact:

Mrs. Karen Hedblom (HB 386)
Michael Morris (SJR 31)

Subcommittee on
Finance and Claims

Resolutions under Study: SJR 15, SR 18

SJR 15 -- bond issues in the state of Montana -- the purpose of this study will be to determine the need for state coordination of the planning, marketing and servicing of bond issues for public elementary and secondary school districts, municipalities, and various state agencies and educational institutions in the state.

SR 18 -- Swan River Youth Forest Camp -- the purpose of this study will be to determine the feasibility of operating the Swan River Youth Forest Camp in the summertime only, or of selling the camp and replacing its program with some other program which would accomplish the same goals in a less costly manner.

Subcommittee Members:

Sen. William Bertsche, Chairman	Rep. J. O. Asbjornson, Vice Chairman
Sen. Gordon Bollinger	Rep. Francis Bardanouve
Sen. Archie Cochrane	Rep. Tom Haines
Sen. Earl Moritz	Rep. Al Kosena

Staff Contact:

Mrs. Karen Hedblom (SR 18)
Dick Hargesheimer (SJR 15)

Subcommittee on
Highways and Transportation

Bills under Study: SB 367

SB 367 proposes changes in several sections of Chapter 51-53, R.C.M. 1947, which would require the transfer of title of vehicles owned by state agencies to the name of the state of Montana; provide that state agencies pay all actual costs of using motor vehicles; regulate the use of privately-owned vehicles by state employees; and require the Department of Highways to submit requisitions for motor vehicle purchases.

Subcommittee Members:

Sen. C. F. Sorenson, Chairman	Rep. John E. Walborn, Vice Chairman
Sen. Fred O. Broeder	Rep. Dave Aageson
Sen. Dave M. Manning	Rep. John E. Healy
Sen. Earl Moritz	Rep. Orin P. Kendall

Staff Contact:

Robert B. Person

Subcommittee on
Judiciary -- Uniform Probate Code

Bills under Study: HB 557, HB 224, HB 461

HB 557 provides a complete recodification of the laws relating to affairs of decedent persons, and court procedures relating to administration and probate of decedents' estates. The bill is largely the same as the Uniform Probate Code as drafted by the American Bar Association and the National Conference of Commissioners on Uniform Probate Laws.

A joint judiciary subcommittee will review the bill and prepare amendatory recommendations to bring the legislation into line with the needs of Montana relative to probate matters.

HB 224 and 461 relate to transfers of community and joint properties of a decedent. It is the intent of the subcommittee to mold these bills into the Probate Code.

Subcommittee Members:

Sen. Jim Moore, Vice Chairman	Rep. John C. Hall, Chairman
Sen. P. J. Gilfeather	Rep. James P. Lucas
Sen. (Mrs.) John Nelson Hall	Rep. Joe Roberts
Sen. Jean A. Turnage	Rep. Bill Warfield

Staff Contact:

Mrs. Rosemary Zion

Subcommittee on
Judiciary -- No-Fault Insurance

Bills under Study: SB 38, SB 80, SB 81, SB 331, HB 250

Five comprehensive no-fault bills were introduced in the first session of the 43rd Legislature. The bills were all placed in a deferred status until an interim subcommittee could be formed to determine the implications of each bill in Montana.

This subcommittee will review and analyze each of the bills with a view toward making substantive recommendations in the nature of a no-fault bill for consideration in the second session.

Subcommittee Members:

Sen. Luke McKeon, Co-Chairman	Rep. Thomas E. Towe, Co-Chairman
Sen. James T. Harrison, Vice Chairman	Rep. William R. Baeth
Sen. Glen L. Drake	Rep. John F. Bell
Sen. A. A. Zody	Rep. Robert J. Brown

Staff Contact:

Miss Margaret Borg

Joint Standing Committees on
Legislative Administration

Resolutions under Study: SJR 27

SJR 27 calls for a study which will define the number of employees needed by the legislature, their job titles, the job classification, duties, and wages of each employee in order that competent people are employed and treated in a fair and equitable manner.

Committee Members:

Sen. Gordon E. Bollinger	Rep. Wallace Edlund,
Sen. Por Deschamps	Chairman
Sen. Carroll Graham	Rep. Lee Hubing
Sen. Frank W. Hazelbaker	Rep. John Lynch
Sen. C. F. Sorenson	Rep. Bill Norman
	Rep. Clyde A. Turner

Staff Contact:

Michael Morris

Subcommittee on
Public Health

Resolutions under Study: SJR 34, HJR 18
Bills under Study: HB 412, HB 202

SJR 34 -- A study to determine the feasibility of health maintenance organizations as a means of bringing better and more economical health care to the people of the state of Montana.

HJR 18 -- A study to determine the ideal minimum levels of service for county and city-county health departments and to determine the feasibility of creating district public health departments through the most economical means.

HB 412 -- A bill to provide for the establishment of community diagnostic, evaluation and service centers for the developmentally disabled, and to establish the authority for the Division of Mental Retardation to administer the centers and obtain the funds for their support.

HB 202 -- A bill that sets forth the policy and authority of the state of Montana to favor, encourage and support family planning, including the provision of contraceptive procedures, supplies not requiring a prescription for dispensing, information and related health services to any individual requesting same.

Subcommittee Members:

Sen. Leonard E. Vainio, Chairman	Rep. Gary Marbut, Vice Chairman
Sen. J. W. Breeden	Rep. Robert E. Lee
Sen. Archie M. Cochrane	Rep. Bill Norman
Sen. Elmer Flynn	Rep. S. A. Olson

Staff Contact:

Mrs. Elizabeth Richter

Rules Committee

The Joint Standing Rules Committee will review the existing joint rules of procedure with a view toward resolving rule differences between the houses, making the rules more workable and understandable and removing existing internal conflicts.

Committee Members:

Sen. Neil Lynch, Chairman	Rep. Larry Fasbender
Sen. Elmer Flynn	Rep. Harold Gerke
Sen. Frank Hazelbaker	Rep. John Hall
Sen. John McDonald	Rep. Oscar Kvaalen
Sen. William Mathers	Rep. Walter Laas
Sen. Jim Moore	Rep. Lloyd Lockrem
Sen. Jean A. Turnage	Rep. Tom Selstad
Sen. Carroll Graham	Rep. Jim Lucas

Staff Contact:

Mike Meloy

Subcommittee on
State Administration

Resolutions under Study: HJR 22
Bills under Study: SB 240

SB 240 establishes a sheriffs' retirement system for the purpose of paying death, disability and retirement benefits to members from an actuarial reserve. The bill vests authority for administration of the system in a sheriffs' retirement board and specifies the board's duties. It creates a sheriffs' retirement account within the Public Employees' Retirement System and spells out what funds are to be credited to the account and how payments are to be made from the account. Further, provisions for changes in members' accounts are made and penalties are set for all violations of the act.

HJR 22 -- The legislature has requested its Legislative Council to study the funding, current actuarial reports and operations of retirement systems for state employees and the pension systems of municipal police and firemen. The study, done with the help of the Legislative Auditor, will investigate the financial basis of the retirement systems on an actuarial basis.

Subcommittee Members:

Sen. David James, Chairman	Rep. Wallace Mercer, Vice Chairman
Sen. George Bennett	Rep. Joe Brand
Sen. John Devine	Rep. William Campbell
Sen. Peter Story	Rep. William Menahan

Staff Contact:

Dick Hargesheimer

Subcommittee on
Taxation

Bills under Study: SB 216, SB 248, SB 266

The intent of SB 216 is to reduce the taxable value of household goods and furniture to 1% of full and true value. However, during the 1973 session, HB 321 exempted class nine, into which personal property was to be placed, from taxation. The intent of the bill is to reduce the taxable value of personal property from 20% to 1% of full and true value.

SB 248 would have reclassified household goods and changed the taxable value from 20% to 10% of full and true value in the 1974 taxable year and 0% thereafter. It would also have reduced the taxable value of unprocessed agricultural products from 30% of full and true market value to 3-1/2% in 1974 and 0% thereafter.

SB 266 removes personal property from class two and makes this type of property exempt from taxation.

Subcommittee Members:

Sen. Stanley Nees, Chairman	Rep. James Burnett, Vice Chairman
Sen. George Bennett	Rep. Thomas E. Towe
Sen. Gordon McOmber	Rep. Walter J. Ulmer
Sen. Jean A. Turnage	Rep. Robert D. Watt

Staff Contact:

Miss Margaret Borg

Select Committee on
Gambling

Resolutions under Study: SJR 18, SR 30, HR 28

Bills under Study: HB 493, HB 507, HB 514, HB 515,
HB 526, HB 533, HB 535, HB 546,
HB 605, HB 413

HB 493 creates a state lottery and a state lottery division within the state Department of Revenue. The revenue derived from the lottery is to be placed in the state Equalization Aid Account. The bill is based upon the New Jersey law.

HB 507 creates a five-member Montana State Gaming Control Board appointed by the Governor subject to senatorial approval. This bill legalizes all forms of gambling; however, it requires all of them to be licensed, except social games played solely for drinks, cigars or cigarettes served individually, or games played in private homes or residences for prizes. The number of gaming devices on any premises is limited to five and the number of card tables to four. The revenue derived from the act is to be distributed as follows: 50% to the state General Fund, 25% to the common school fund, and 25% to the counties and cities.

HB 514 legalizes many forms of gambling and is based upon Nevada law. It creates a State Gaming Control Board composed of the Attorney General (chairman), the Secretary of State, and three persons appointed by the Governor and approved by the Senate. A county may vote to bar gambling within its borders. Twenty-five percent of the revenue from the act is to go to the counties, cities and towns.

HB 515 permits bingo, lotteries, slot machines, punchboards, tab jars, and pull tabs to be played in the state, requires all gambling to be licensed, except when played for drinks, cigars, or cigarettes served individually or in a private home or residence, and creates a State Gaming Commission within the Department of Revenue. The bill requires all gaming devices to be purchased from the State Gaming Commission and limits the number of gaming devices to four per licensed gaming establishment. All revenue derived from the act, less the act's administrative costs, are deposited in the state Equalization Aid Account.

HB 526 legalizes and regulates the use of punchboards. The Department of Revenue administers the act. All punchboards used in Montana must be manufactured in the state. An annual license tax is levied upon each punchboard manufacturer, wholesaler, and retailer. A license fee is levied on each punchboard based upon the cost of one play or chance on the board.

In many aspects this bill is similar to HB 546.

HB 533 defines and prohibits professional gambling, permits some social wagering, and provides penalties for violations of the act.

HB 535 creates a state supervised, but privately operated, lottery. The Board of Examiners administers the act. The board may grant but one exclusive license at a time. All state revenues from the lottery are deposited in the state General Fund. The bill grants the first exclusive license to the Big Sky Sweepstakes Corporation.

HB 546 legalizes and regulates the use of punchboards. The Department of Revenue administers the act. An annual license tax is levied upon each punchboard wholesaler and retailer. A tax of 3% of the gross proceeds of each punchboard is levied upon each punchboard. The 3% tax is collected by the county treasurers. In many aspects this bill is similar to HB 526.

HB 605 authorizes the Department of Revenue to issue 10 gambling licenses which permit the holder to conduct all games of chance at a specified location. The licenses are awarded according to competitive bidding; however, a license may not be obtained for less than \$100,000 when it is first offered. The bill levies a monthly tax of 10% of the gross revenue derived from all businesses conducted on the licensed location.

SB 413 allows raffles and games of bingo to be held in the state; however, all the raffles and games of bingo must be licensed by the Department of Revenue. The bill levies an annual license tax and a tax of 2.5% of the gross proceeds of all the games and raffles.

SJR 18 directed the legislature to defer action on gambling proposals until the 1974 session. It also directed each house to form a select committee. The two committees are to meet jointly during the interim to study the proposed gambling bills. Acting as a conference committee, the members of the two committees are to report on the proposed bills, together with their findings and evaluations, to both houses of the legislature no later than the fifth legislative day of the 1974 session.

SR 30 and HR 28 direct the Legislative Council to study the operations of and regulations promulgated by the Montana Horse Racing Commission, the operations of the Commission with other states that allow parimutuel betting and to indicate the amount and uses of state and local revenue derived from parimutuel betting. The Council was also directed to report any recommendation or legislation it proposed as a result of the study.

Committee Members:

Sen. Gordon McGowan,
Chairman
Sen. Elmer Flynn
Sen. William Lowe
Sen. Neil Lynch
Sen. Jean A. Turnage

Rep. Walt Ulmer,
Vice Chairman
Rep. Robert Brown
Rep. John Hall
Rep. Robert Lee
Rep. Orphey Lien

Staff Contact:

Mrs. Rosemary Zion

Select Committee on
Wild Rivers

Bills under Study: HB 133

The select committee of the House on HB 133 will continue to function through the interim. It plans to hold hearings in various parts of the state to allow all interested persons to contribute to the preparation of a structure for regulating water courses in Montana. The select committee encourages all concerned landowners along Montana water courses to participate in the drafting of the legislation.

The existing HB 133 provides for a statewide system for designation and management of wild, scenic, natural and recreational waterways in the state.

Committee Members:

Rep. Francis Bardanoue, Chairman
Rep. Robert Marks
Rep. Robert Prevost
Rep. Joe Quilici
Rep. George Turman

Staff Contact:

Mike Meloy

Districting and Apportionment Commission

Bills under Study: SB 21

A five-member reapportionment commission has recently been created by SB 21 to implement Article V, Section 14 of the 1972 Montana Constitution. The commission has the responsibility for preparing a map of single-member congressional and legislative districts in the state. In addition, the commission must set the size of the legislature at between 120 and 150 seats inclusive. Representatives must outnumber senators in a ratio of two-to-one and senate districts must be composed of two adjoining house districts, all of which must consist of compact and contiguous territory and be as nearly equal in population as is practicable.

SB 21 makes resources of state agencies and the Legislative Council available to the commission and provides compensation to commissioners for carrying out their official duties. It also provides a time frame for the completion of reapportionment and redistricting in accord with the new constitution and requires at least one public hearing on the commission's reapportionment plan.

Commission Members:

Mr. Joseph R. Marra,
Chairman
Mr. William Mather

Mrs. Elsie McGarvey,
Vice Chairman
Mr. Glen T. Rugg
Mr. Pat Williams

Staff Contact:

Alan Taylor

Salary Commission

Bills under Study: HB 30

HB 30 implements Article XIII, Section 3 of the 1972 Montana Constitution. It creates an eight-member salary commission which must meet for the first time on July 10, 1973 and which must submit its "formal written recommendations" on or before November 15, 1973. The commission must study the salaries and expenses of the judiciary and elective members of the legislature and executive branches and compare Montana's levels and forms of compensation with those of states similarly situated.

Commission Members:

Governor's Appointees:

Bert Arnlund
Yvonne Bradford

Supreme Court Appointees:

Arnold Berger
Milton Datsopoulos

Senate Majority Leader Appointee:

Maurice Hennessey

Senate Minority Leader Appointee:

Carl Rostad

Speaker of the House Appointee:

Robert B. Saunders

Minority Leader of the House Appointee:

Dr. W. F. Bennett

Staff Contact:

Michael Morris

Environmental Quality Council

Sen. Elmer Flynn,
Chairman
Sen. George Darrow
Sen. George McCallum
Sen. Gordon McGowan

Rep. Tom Hager,
Vice Chairman
Rep. Bud Ainsworth
Rep. Dorothy Bradley
Rep. Larry Fasbender

Public Appointees:

Michael McKeon
Mrs. Harriet Marble
Calvin Robinson
Dr. William Walter

Governor's Representative:

Steve Brown

Legislative Audit Committee

Sen. Matt Himsel,
Vice Chairman
Sen. William Bertsche
Sen. William Mathers
Sen. Cornie Thiessen
2153 (con)

Rep. Harold Gerke,
Chairman
Rep. J. O. Asbjornson
Rep. Gary Marbut
Rep. William Zimmer

Legislative Consumer Committee

Sen. Gordon E. Bollinger,
Chairman
Sen. Herbert Klindt

Rep. James P. Lucas,
Vice Chairman
Rep. Joe Quilici

